

REMARKS

In an office action dated June 2, 2005, the Examiner rejects claims 1, 3-7, 11-17 and 20 (all pending claims). In response the office action, Applicants amend claim 1, add claim 30 and respectfully traverse the rejection. Claims 1, 3-7, 11-17, 20 and 30 remain in the application. In light of the amendments and the following arguments, Applicants respectfully request that all pending claims and this application be allowed.

In the office action, the Examiner rejects claim 1 under 35 U.S.C. § 112 (1) stating that there is no support in the specification for the claims of an emulsion system that is at least 76% phenol based. Applicants again submit that although the disclosure does not explicitly state the mixtures, one skilled in the art can derive from the content of the disclosure that states the blends of phenols are preferably 89% by weight or 3100 to 8300 p.p.m. See Page 6, line 27-page 7, line 15. Stabilizers or coupling agents then make up 11% by weight or 400 to 1000 parts per million. Thus, by making simple calculations a high phenol content may be 95% by weight or 8300 p.p.m / (8300 p.p.m. + 400 p.p.m.) and a low phenol content may be 76% by weight or 3100 p.p.m. / (3100 p.p.m. + 1000 p.p.m.). Thus, claim 1 has been amended to state that the emulsion system is at least 76% phenol based as is described in the specification as described above. Thus, applicants respectfully request that the 35 U.S.C. rejection be removed from claim 1 and amended claim 1 be allowed.

The Examiner has also rejected claim 1 under 35 U.S.C. §112(2) as being indefinite. Applicants have added a wherein clause to make it clear that the percentage by weight of the materials is from the finished fuel. Thus, Applicants respectfully request that the rejection of claim 1 be removed and amended claim 1 be allowed.

If the Examiner has any questions regarding this application, the Examiner may telephone the undersigned at 775-586-9500.

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Respectfully submitted,  
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